

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JACK FISCHER,

Plaintiff,

Case No. 1:19-cv-13020

v.

Honorable Thomas L. Ludington
United States District Judge

UNITED STATES OF AMERICA,

Defendant.

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ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter is before this Court upon Plaintiff Jack Fischer's motion for reconsideration of this Court's order denying his motion in limine. ECF No. 47. As explained hereafter, Plaintiff's motion for reconsideration will be denied.

I.

Local Rule 7.1(h) distinguishes the standard of review for motions for reconsideration of final orders, E.D. Mich. LR 7.1(h)(1), as opposed to nonfinal orders, E.D. Mich. LR 7.1(h)(2). Plaintiff's motion seeks review of a nonfinal order.

Local Rule 7.1(h)(2) provides that:

Motions for reconsideration of non-final orders are disfavored. They must be filed within 14 days after entry of the order and may be brought only upon the following grounds:

- (A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;
- (B) An intervening change in controlling law warrants a different outcome;
- or
- (C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

E.D. Mich. LR 7.1(h)(2).

Based on Plaintiff's arguments, Local Rule 7.1(h)(2)(A) applies to Plaintiff's Motion.

II.

Plaintiff merely reasserts the same arguments he made in his motion in limine and his supplemental briefing. Indeed, the overwhelming majority of his motion for reconsideration is copied and pasted from his previous filings. *Compare* ECF No. 43 at PageID.1064–66, *with* ECF No. 47 at PageID.1123–25; *compare* ECF No. 35 at PageID.444–46, *with* ECF No. 47 at PageID.1125–26; *compare* ECF No. 43 at PageID.1070–74, *with* ECF No. 47 at PageID.1127–29. Further, this Court already considered the facts and law Plaintiff advances in these motions when it denied his first motion in limine. *See generally Fischer v. United States*, No. 1:19-CV-13020, 2022 WL 36418, at *1 (E.D. Mich. Jan. 4, 2022). And Plaintiff has not presented any new facts or legal arguments since that order.

A motion for reconsideration that merely reasserts the same facts and legal arguments previously asserted is not proper unless there was some defect in the first hearing by which the court and the parties have been misled. *Pakideh v. Ahadi*, 99 F.Supp.2d 805, 809 (E.D.Mich.2000); *accord ComForCare Franchise Sys., LLC v. ComForCare Hillsboro McMinnville Corp.*, No. 2:19-CV-12037, 2019 WL 7584403, at *1 (E.D. Mich. Nov. 20, 2019); *Hudson v. City of Highland Park*, No. 2:16-CV-12369, 2017 WL 11535059, at *1 (E.D. Mich. Oct. 27, 2017); *Yahya v. Yemenia-Yemen Airways*, No. 2:08-CV-14789, 2009 WL 3873658, at *1 (E.D. Mich. Nov. 18, 2009); *Pitts v. Zych*, No. 2:09-CV-12329, 2009 WL 2488108, at *1 (E.D. Mich. Aug. 11, 2009); *Smith v. Cook*, No. 2:08-CV-10543, 2008 WL 1902022, at *1 (E.D. Mich. Apr. 28, 2008); *Smith v. Daughtrey*, No. 2:08-CV-10541, 2008 WL 1901321, at *1 (E.D. Mich. Apr. 25, 2008); *Dell v. Straub*, No. 2:00-CV-71853, 2002 WL 1303089, at *2 (E.D. Mich. June 6, 2002); *see United States v. Lewis*, 166 F. App'x 803, 806 (6th Cir. 2006) (holding that a district court's denial of a motion

for reconsideration “is not subject to review” if it “merely restated the reasons” for its prior denial of the same arguments); *see also United States v. Hemingway*, 930 F. Supp. 2d 11, 12 (D.D.C. 2013).

Because petitioner is merely reasserting the same facts and legal arguments that this Court already considered and rejected, he is not entitled to a reconsideration of his motion in limine or this Court’s decision denying his motion in limine. Moreover, this Court’s previous reasoning is just as potent now as it was then.

For these reasons, Plaintiff’s motion for reconsideration will be denied.

III.

Accordingly, it is **ORDERED** that Plaintiff’s Motion for Reconsideration, ECF No. 47, is **DENIED**.

Dated: January 19, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge